

# **Exhibit**

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**From:** Pestana, Georgia [<mailto:gpestana@law.nyc.gov>]  
**Sent:** Friday, November 18, 2011 1:01 PM  
**To:** Mark S. Cohen  
**Subject:** Attorneys fees in EDNY

Mark,

Below are some recent attorneys' fee decisions in the EDNY:

*Todaro v. Siegel Fenchel & Peddy P.C.*, 697 F. Supp. 2d 395, 399-400 (E.D.N.Y. 2010) (a Title VII case, awarding \$400 an hour for a partner with seventeen years of experience and noting that "[c]ourts within the E.D.N.Y typically award between \$100 and \$150 an hour for junior associates, and between \$200 and \$250 an hour for senior associates");

*Olsen v. County of Nassau*, 2010 U.S. Dist. LEXIS 38938 (E.D.N.Y. Jan. 26, 2010) (noting that the range of appropriate billing rates in the Eastern District "is \$200-\$375 per hour for partners and \$100-\$295 per hour for associates")

*Luca v. County of Nassau*, 698 F. Supp. 2d 296, 301-02 (E.D.N.Y.2010) (rates between \$300 and \$400 for partners found to be "within the Eastern District range");

*Rodriguez v. Pressler & Pressler, LLP*, 2009 U.S. Dist. LEXIS 20655 (E.D.N.Y. Mar. 16, 2009) (awarding \$450/hr. to partner with seventeen years of experience and \$300 to staff attorney with four years experience in FDCPA case);

*Brady v. Wal-Mart Stores, Inc.*, 455 F. Supp. 2d 157, 208 (E.D.N.Y. 2006) (awarding \$350/hr. to partners in employment discrimination case), *aff'd*, 531 F.3d 127 (2d Cir. 2008);

*Thorsen v. County of Nassau*, 2011 U.S. Dist. LEXIS 27792, (E.D.N.Y. Mar. 17, 2011) (awarding \$425/hr for 26 yrs of experience, \$350/hr for 21 yrs of experience, \$300/hr for associates with 5 and 11+ years of experience and \$100/90/hr for paralegals/secretaries)(citing other recent cases).

While our research on fees for court-appointed monitors or special masters has not been exhaustive, we found some older cases in the EDNY that discuss fees for court-appointed special masters appointed pursuant to FRCP 53.

*Jackson v. Nassau County Bd. of Supervisors*, 157 F.R.D. 612 (E.D.N.Y. 1994) (lodestar-based approach)

*Hart v. Community School Bd.*, 383 F. Supp. 699, 767 (E.D.N.Y. 1974) (suggesting a reasonable fee would be based upon about half of that of a private attorney in a commercial matter).

Thanks for your consideration.

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